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*Attorneys for Defendant*  
Robert Sillen, individually and  
as Receiver

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

MEDICAL DEVELOPMENT  
INTERNATIONAL, a Delaware corporation,

*Plaintiff,*

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
ROBERT SILLEN, individually and as  
Receiver,

*Defendants.*

Case No. 2:07-CV-02199 WBS EFB

**STIPULATION FOR ORDER AND  
~~PROPOSED~~ ORDER CONTINUING  
SCHEDULING CONFERENCE  
CURRENTLY SET FOR DECEMBER 3,  
2007**

The parties, by and through their respective counsel, stipulate pursuant to Civil L.R. 83-143 and 6-144 for an Order continuing the Status (Pretrial Scheduling) Conference, currently set for December 3, 2007 at 2:00 p.m., to January 21, 2008. The stipulation is based on the following facts.

1. On October 16, 2007, Defendant Receiver Robert Sillen (“Receiver”) removed this action from the California Superior Court for Sacramento County to this Court pursuant to 28 U.S.C. § 1442.
2. The Receiver filed a motion to dismiss all claims in the complaint on October 17, 2007 and set the hearing on that motion on November 26, 2007.

3. Defendant California Department of Corrections and Rehabilitation (“CDCR”) obtained an extension of time to respond to the complaint, through and including November 15, 2007. If CDCR files a motion to dismiss, that motion will not be heard until the latter part of December 2007 or the first part of January 2008 at the earliest.
4. Pursuant to this Court’s Order Setting Status (Pretrial Scheduling) Conference, dated October 17, 2007 (“October 17 Scheduling Order”), the parties must meet and confer by no later than November 12, 2007 with respect to the items listed in the October 17 Scheduling Order and submit a joint Scheduling Conference Statement by November 19, 2007. However, as a result of the Receiver’s pending motion to dismiss and any motion to dismiss that may be filed by CDCR, at the time the parties are required to meet and confer and to submit the joint statement it will not be clear which, if either, of the defendants will be a party to the action going forward or what, if any, claims will remain in the case.
5. It will be difficult for the parties to develop a meaningful discovery plan or to make appropriate initial disclosures unless and until the Court rules on which parties and which claims, if any, will remain in the case. In addition, the upcoming holiday season may make it difficult for the parties to meet and confer sufficiently and prepare a joint statement before the New Year.
6. Based on the foregoing, the parties submit that continuing the Status (Pretrial Scheduling) Conference until after the initial pleading motion(s) has/have been heard and ruled upon will avoid unnecessary expenditure of the parties’ and the court’s time and resources in preparing for and attending the Conference currently set for December 3, 2007.
7. Accordingly, the parties stipulate for an Order continuing the Status (Pretrial Scheduling) Conference to January 21, 2008 or as soon thereafter as the Court may deem appropriate. If the case proceeds in this Court, any parties remaining in the case shall meet and confer with respect to the matters in the Court’s Order 17 Scheduling Order and shall submit a joint statement by January 7, 2007.

Dated: November 7, 2007

By                   /s/                    
     Martin H. Dodd  
 Attorneys for Defendant Receiver Robert  
 Sillen

Dated: November \_\_, 2007

By \_\_\_\_\_  
Bennett Lee  
Attorneys for Plaintiff Medical Development  
International

Dated: November \_\_, 2007

By \_\_\_\_\_  
Michelle M. Mitchell  
Deputy Attorney General  
Attorneys for Defendant California  
Department of Corrections and Rehabilitation

Based on the foregoing stipulation of the parties, it is hereby ORDERED that the Status (Pretrial Scheduling) Conference currently set for December 3, 2007 be and hereby is continued to **January 28, 2008 at 2:00 p.m.** Any parties remaining in the case shall meet and confer with respect to the matters set forth in the Order Setting Status (Pretrial Scheduling) Conference, filed October 17, 2007, and shall submit a joint pretrial scheduling statement by no later than January 7, 2007.

Dated: November 13, 2007

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